

### **REMARKS**

The Office Action, mailed March 9, 2007, rejected claims 9 and 10, and allowed claims 3-6 and 14-19. Applicants note with appreciation the Office's withdrawal of earlier objections of claims 3-6 in view of the amendments previously presented. In this paper, Applicants have amended claims 9 and 10 and submitted the following remarks for the Office's consideration. Upon entry of the present amendment, claims 3-6, 9-10, and 14-19 are pending in the present application and claims 9 and 10 are under consideration.

**I. Information Disclosure Statement Under 37 C.F.R. § 1.97(c)**

Filed herewith is an Information Disclosure Statement for the Office's consideration.

**II. Amendments of Claims 9 and 10**

**Amendment of Claim 9**

Applicants have amended claim 9 to require adjusting the pH to coagulate water glass without using coagulant. The amendment is supported by the originally filed specification and claims. Paragraphs [008], [0037], [0039] and claims 4 and 5 of the published application describe a method of separating water glass from water by lowering the pH of the wastewater after it is being bio-degraded by microbes and recycling the coagulated water glass. No coagulant was used in the described process.

**Amendment of Claim 10**

Applicants have amended claim 10 to require distilling the biotreated wastewater to remove water to obtain the desired concentration of Na<sub>2</sub>O and SiO<sub>2</sub>. The amendment is supported by the originally filed specification, as the process of distilling water to

reach a desired Na<sub>2</sub>O and SiO<sub>2</sub> concentration is described in paragraphs [0008], [0014], [0037], and Table 5 of the published application.

**III. Rejection of Claim 9 Under 35 U.S.C. § 102(e) and § 102(b)**

**Rejection of claim 9 under 35 U.S.C. § 102(e) based on USP'6705**

The Office rejected claim 9 under 35 U.S.C. § 102(e), as allegedly being anticipated by US Pub. 2004/0016705 (USP'6705). Office Action at Page 2.

Applicants respectfully traverse because Applicants claim the benefit of U.S. Provisional Application No. 60/442,459, filed on January 22, 2003, which is before the U.S. filing date of USP'6705 of May 16, 2003.

**Rejection of Claim 9 Under 35 U.S.C. § 102(b) based on US '8705**

The Office rejected claim 9 under 35 U.S.C. § 102(b), as allegedly being anticipated by US Pat. 6428705 (US'8705), asserting that USP '8705 teaches a method of adjusting the pH of the solution in a range of 6-9 to coagulate the particles by using a coagulant". Office Action at Page 2.

Applicants respectfully traverse because Applicants claim the benefit of U.S. Provisional Application No. 60/442,459, filed on January 22, 2003. The issue date of US'8705 is August 6, 2002. Therefore, US'8705 was not patented or published more than one year prior to the U.S. filing date of the instant application.

Furthermore, applicants submit that if the office were to reject claim 9 under 35 U.S.C. § 102(e), the amendment to claim 9 would overcome such a rejection, because US'8705 describes the use of coagulant to coagulate the particles, Office Action at Page 2, whereas the amended claim 9 describes adjusting the pH to coagulate water glass without using coagulant. In fact, US'8705 specifically requires the use of

coagulant to coagulate the silica particles. Office Action at Page 2. Accordingly, US'8705 does not teach each and every element of the amended claim 9 and thus cannot anticipate claim 9.

**IV. Rejection of Claim 10 Under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph**

The Office rejected claim 10 under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicants regard as the invention. The Office stated that it is unclear whether "boiling" refers to the normal boiling point of pure water, of water at a pressure higher or lower than atmospheric pressure, of colloidal silica solution, or of a solvent other than water. Office Action at page 2.

Applicants have amended claim 10 in response to the Office's §112 indefiniteness rejection to more particularly point out and distinctly claim the invention. Claim 10 has been amended to require distilling the biotreated wastewater to remove water to obtain the desired concentration of Na<sub>2</sub>O and SiO<sub>2</sub>. The amended term "to remove water" obviates the Office's concern about what type of solution is being referred to. Furthermore, the amended claim requires removing water until the desired concentration of Na<sub>2</sub>O and SiO<sub>2</sub> is met, which can be determined by chemical assays known in the art. This process of setting distillation to obtain a desired concentration of Na<sub>2</sub>O and SiO<sub>2</sub> is explained in paragraphs [0008], [0014], [0037], and Table 5 of the published application. One of ordinary skill in the art could easily determine the metes and bounds of the amended claim. Applicants submit that the rejection of claim 10, under 35 U.S.C. §112, 2<sup>nd</sup> paragraph, has been obviated by the amendment to claim 10.

**CONCLUSION**

Applicants respectfully assert that claims 9 and 10 are in condition for allowance and request that the Office issue a timely Notice of Allowance.

Please grant any extensions of time required to enter this Amendment and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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